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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS ASAY,

Defendant.

CASE NO. 1:22-CR-00162-NODJ-BAM

JOINT STATUS REPORT; STIPULATION AND
ORDER TO CONTINUE TRIAL AND STATUS
CONFERENCE

BACKGROUND

This matter is currently scheduled for a status conference on **March 10, 2025**. Doc. 34. On February 27, 2025, the Court directed the parties to file a joint status report “informing the Court of (1) Whether the parties anticipate they will be ready to proceed to trial as scheduled; (2) what kind of motions and the number of motions each party anticipates will need to be resolved in advance of trial ...; (3) a proposed briefing schedule for the resolution of the motions in advance of trial, and (4) any other information to aid the Court in keeping the trial date currently scheduled.” *Id.*

JOINT STATUS REPORT

The parties request that the Court vacate the current trial date and re-set the matter for trial on October 28, 2025. The parties have agreed that further time is necessary for defense investigation, review of discovery, trial preparation, and potential plea negotiations.

The parties have been engaged in post-trial filings in the related matter of *United States v.*

Agricultural Contracting Services Association et al., 1:19-cr-0003-DAD. Sentencing has been continued in that matter and now is set for March 24, 2025. The past several weeks have involved counsel for Asay transmitting informal objections to the Presentence Report (February 4, 2025), a reply in support of motions for judgment of acquittal and for a new trial (filed February 7, 2025), and preparing formal objections to the presentence report, as well as sentencing memoranda following the filing of the final Presentence Reports on March 7, 2025. Counsel for the United States has likewise devoted extensive time to the post-trial filings in this matter.

Counsel for Asay confirms that he is unable to devote sufficient time to preparing this matter for trial as currently scheduled, given the post-trial filing in *Agricultural Contracting Services Association* and the necessity of preparing for trial in the following matters:

3/20/25	<i>People v Paul Rodriguez, M19925929</i>
4/1/2025	<i>People v Greg Baronian, MCR056617</i>
4/22/2025	<i>People v Shawn Davari, F23904956</i>
4/29/2025	<i>People v Manpreet Singh, MCR058352, approx. 3 weeks.</i>
5/20/2025	<i>People v Tony Rodriguez, MCR068629, approx. 4 weeks.</i>
6/10/2025	<i>US v David Yama, 1:21CR000272</i>
6/17/2025	<i>People v Jose Medina, F20907317, approx. 2 weeks.</i>
6/17/2025	<i>People v Gabriel Morfin, F22906698, approx. 3 weeks.</i>
7/8/2025	<i>US v Shana Gaviola, 1:22CR00233</i>
7/15/2025	<i>US v Luis M. Castenon, 1:22CR00309</i>
8/5/2025	<i>US v David He, 1:23CR00123, approx. 3 weeks.</i>

Counsel for the United States notes the following scheduled trials

7/8/2025	<i>US v. Shana Gaviola, 1:22-cr-233-JLT (see above).</i>
8/19/2025	<i>US v. Hambartsumyan, 1:18-cr-225-JLT</i>
9/23/2025	<i>US v Mamdani, 1:22-cr-279-JLT</i>

Counsel do not anticipate requesting any further continuances of the trial date.

Counsel also do not believe that motion practice will be extensive in this matter. Counsel will confer on a proposed motions schedule in advance of the trial.

The parties have agreed that further time is necessary for defense investigation, review of discovery, trial preparation, and potential plea negotiations.

STIPULATION AND [PROPOSED] ORDER

IT IS HEREBY STIPULATED by and between the parties hereto, and through their respective attorneys, that the status conference currently set for March 12, 2025, the trial confirmation hearing scheduled for March 24, 2025, and the current trial date of April 24, 2025 be vacated and the trial continued to October 28, 2025. Time shall be excluded from April 24, 2025 to October 28, 2025 under the Speedy Trial Act for defense preparation and continuity of counsel.

The parties request that a status conference in front of this Court on August 27, 2025 or as soon thereafter as practicable.

The parties request that a trial confirmation hearing be set on or about September 22, 2025.

Respectfully submitted,

MICHELE BECKWITH
Acting United States Attorney

DATED: March 10, 2025

By: /s/ Michael G. Tierney
Michael G. Tierney
Assistant United States Attorney

DATED: March 19, 2024

By: /s/ Anthony P. Capozzi
Anthony P. Capozzi
Attorney for Marcus Asay

ORDER

The request for a continuance is denied without prejudice. Counsel shall appear at the status conference set for 1:00 on March 12, 2025 to discuss the above.

IT IS SO ORDERED.

Dated: March 11, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE